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Remarks

The Office Action mailed October 9, 2003 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-3, 7-8, 11-23, and 25-33 are pending in this application. Claims 1-3, 7-8, 11-23, and 25-33 stand rejected. Claims 4-6, 9-10, 24, and 34-35 have been canceled.

In accordance with 37 C.F.R. 1.136(a), a one month extension of time is submitted herewith to extend the due date of the response to the Office Action dated October 9, 2003, for the above-identified patent application from January 9, 2004, through and including February 9, 2004. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of \$110 to cover this extension of time request also is submitted herewith.

The rejection of Claims 1-3 and 31-33 under 35 U.S.C. § 103(a) as being unpatentable over Brunius (US Patent No. 6,204,760B1) in view of Dop et al. (US Patent No. 4,888,290) is respectfully traversed.

Brunius describes a security system for a building that utilizes a main controller in communication with a unit controller that receives signals from at least one sensor. The unit controller communicates a provisional alarm to the main controller upon the sensing of a security condition.

Dop describes a cellular backup system for a standard security alarm network so that upon the inoperativeness of the telephone land line, automatic switchover to the cellular system is achieved.

Claim 1 recites a method "at a phone-interface device, comprising: receiving a provisional-alarm report; determining whether a disarm command has been received subsequent to receipt of the provisional-alarm report; when a disarm command has not been received before expiration of a period of time, sending a system condition to a monitoring station including seizing a telephone line; and calling the monitoring station via the telephone

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line; determining whether the calling element is successful, and when the calling element is not successful, sending the alarm condition to the monitoring station via an alternative communications link; and determining whether a trouble condition exists at the phone interface device and if it exists, communicating the trouble condition to the control panel via a transmitter located at the phone interface device.

Brunius in view of Dop do not describe nor suggest determining whether a trouble condition exists at the phone interface device and if it exists, communicating the trouble condition to the control panel via a transmitter located at the phone interface device. Rather, Brunius and Dop are silent with regard to a phone interface device that determines whether a trouble condition exists and communicating the trouble condition to the control panel via a transmitter located at the phone interface device. For the reasons set forth above, Claim 1 is submitted to be patentable over Brunius in view of Dop.

Claims 2 and 3 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2 and 3 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2 and 3 likewise are patentable over Brunius in view of Dop.

Claim 31 recites a "program product comprising a signal-bearing media bearing instructions, which when read and executed by a processor, comprise: determining whether a trouble condition exists at a phone interface device and if it exists, communicating the trouble condition to a control panel via a transmitter located at the phone interface device; receiving a provisional-alarm report at the phone interface device; determining whether a disarm command has been received subsequent to receipt of the provisional-alarm report; when a disarm command has not been received before expiration of a period of time, sending a system condition to a monitoring station including seizing a telephone line, and calling the monitoring station via the telephone line; and determining whether the calling is successful, and when the calling is not successful, sending the alarm condition to the monitoring station via an alternative communications link.

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Brunius in view of Dop et al do not describe nor suggest determining whether a trouble condition exists at a phone interface device and if it exists, communicating the trouble condition to a control panel via a transmitter located at the phone interface device. Rather Brunius and Dop et al are silent with regard to communicating a trouble condition to a control panel from a phone interface device. For the reasons set forth above, Claim 31 is submitted to be patentable over Brunius in view of Dop et al.

Claims 32-33 depend from Claim 31. When the recitations of Claims 32-33 are considered in combination with the recitations of Claim 31, Applicants submit that dependent Claims 32-33 likewise are patentable over Brunius in view of Dop et al.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-3 and 31-33 be withdrawn.

The rejection of Claims 7-8 under 35 U.S.C. § 103(a) as being unpatentable over Brunius in view of Dop and Peters (US Patent No. 5,717,379) is respectfully traversed.

Claim 7 recites a "phone-interface device, comprising: a receiver to receive a wireless signal from a control panel, wherein the wireless signal encodes information regarding a system condition; a transmitter to transmit data via wireless communication about trouble conditions to a receiver at the control panel; and a phone port to connect to a communications link, wherein the phone port is to dial a telephone number of a monitoring station in response to receiving the wireless signal and the communications link is at least one of an ISDN line and wireless.

Brunius and Dop are described above. Peters describes a remote monitoring system for monitoring properties of persons to be protected. The system describes at least one video pickup device positioned at the property to be protected.

Brunius in view of Dop et al and Peters do not describe nor suggest a transmitter to transmit data via wireless communication about trouble conditions to a receiver at the control panel. Rather, Brunius, Dop, and Peters are silent with regard to a phone interface device transmitter that transmits data via wireless communication about trouble conditions to a

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receiver at the control panel. For the reasons set forth above, Claim 7 is submitted to be patentable over Brunius in view of Dop et al and Peters.

Claim 8 depends from independent Claim 7. When the recitations of Claim 8 are considered in combination with the recitations of Claim 7, Applicants submit that dependent Claim 8 likewise is patentable over Brunius in view of Dop et al and Peters.

The rejection of Claims 21-22 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Brunius in view of Heald et al (US Patent No. 5,553,138) is respectfully traversed.

Brunius is described above. Heald et al describes a computer system including a modem that communicates via a telephone line. The computer is charged during operation and receives power from a capacitor. Heald et al do not describe a security system telephone interface device.

Claim 21 recites a "security system, comprising: a control panel to receive a sensor event from a security device, to translate the sensor event into a system condition, and to transmit a wireless signal to a phone-interface device, wherein the wireless signal encodes information regarding the system condition; and a phone-interface device comprising a receiver to receive the wireless signal from the control panel and a transmitter to transmit data via wireless communication about trouble conditions to said control panel receiver, wherein the phone-interface device is packaged separately from the control panel, wherein the phone-interface device receives direct electric current from an energy storage device."

Brunius in view of Heald do not describe nor suggest a phone interface device comprising a receiver to receive the wireless signal from the control panel and a transmitter to transmit data via wireless communication about trouble conditions to said control panel receiver. Rather, Brunius and Heald are silent with regard the recited aspects of the phone interface device. For the reasons set forth above, Claim 21 is submitted to be patentable over Brunius in view of Heald.

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Claims 22 and 27 depend from Claim 21. When the recitations of Claims 22 and 27 are considered in combination with the recitations of Claim 21, Applicants submit that dependent Claims 22 and 27 likewise are patentable over Brunius in view of Heald.

As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. The required teaching, suggestion and incentive supporting the Examiner's combination is absent here. Neither Brunius nor Heald et al teach or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine Brunius with Heald because there is no motivation to combine these references suggested in the art. The Examiner has not pointed to any prior art that teaches or suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaack, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown. Specifically, the Examiner has not pointed to any prior art that teaches or suggests a reasonable expectation of success or motivation in combining the references.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection

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is apparently based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention.

Since there is no teaching, suggestion, or motivation in the cited references for the claimed combination recited in Claims 21, 22, and 27, the Section 103 rejection of Claims 21, 22, and 27 appear to be based on impermissible hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible.

Accordingly, for the reasons set forth above, Claims 21, 22, and 27 are submitted to be patentable over Brunius in view of Heald.

The rejection of Claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Brunius in view of Heald as applied to Claim 21 and further in view of Otto (US Patent No. 6,442,240B1) is respectfully traversed.

Brunius and Heald are described above. Otto describes a hostage negotiation system including a throw module and a command unit connected by a communication cable.

Claim 23 depends from Claim 21 which recites a "security system, comprising: a control panel to receive a sensor event from a security device, to translate the sensor event into a system condition, and to transmit a wireless signal to a phone-interface device, wherein the wireless signal encodes information regarding the system condition; and a phone-interface device comprising a receiver to receive the wireless signal from the control panel and a transmitter to transmit data via wireless communication about trouble conditions to said control panel receiver, wherein the phone-interface device is packaged separately from the control panel, wherein the phone-interface device receives direct electric current from an energy storage device."

None of Brunius, Heald, nor Otto describe or suggest a security system including a phone-interface device comprising a receiver to receive the wireless signal from the control panel and a transmitter to transmit data via wireless communication about trouble conditions

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to said control panel receiver. Rather, Brunius, Heald and Otto are silent with regard to this aspect of the phone interface device.

In addition, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. The required teaching, suggestion and incentive supporting the Examiner's combination is absent here. None of Brunius, Heald, nor Otto teach or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine Brunius with Heald and Otto because there is no motivation to combine these references suggested in the art. The Examiner has not pointed to any prior art that teaches or suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown. Specifically, the Examiner has not pointed to any prior art that teaches or suggests a reasonable expectation of success or motivation in combining the references.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection

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is apparently based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention.

Since there is no teaching, suggestion, or motivation in the cited references for the claimed combination recited in Claim 23, the Section 103 rejection of Claim 23 appears to be based on impermissible hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible.

Accordingly, for the reasons set forth above, Claim 23 is submitted to be patentable over Brunius in view of Heald, and further in view of Otto.

The rejection of Claims 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Brunius in view of Heald et al and further in view of Ulrich (US Patent No. 4,803,719) is respectfully traversed.

Brunius and Heald are described above. Ulrich describes a method for powering a telephone apparatus from the telephone line.

Claims 25 and 26 depend from Claim 21 which recites a “security system, comprising: a control panel to receive a sensor event from a security device, to translate the sensor event into a system condition, and to transmit a wireless signal to a phone-interface device, wherein the wireless signal encodes information regarding the system condition; and a phone-interface device comprising a receiver to receive the wireless signal from the control panel and a transmitter to transmit data via wireless communication about trouble conditions to said control panel receiver, wherein the phone-interface device is packaged separately from the control panel, wherein the phone-interface device receives direct electric current from an energy storage device.”

None of Brunius, Heald, nor Ulrich describe or suggest a security system including a phone-interface device comprising a receiver to receive the wireless signal from the control panel and a transmitter to transmit data via wireless communication about trouble conditions

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to said control panel receiver. Rather, Brunius, Heald and Ulrich are silent with regard to this aspect of the phone interface device.

As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. The required teaching, suggestion and incentive supporting the Examiner's combination is absent here. None of Brunius, Heald et al, nor Ulrich teach or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine Brunius with Heald et al and Ulrich because there is no motivation to combine these references suggested in the art. The Examiner has not pointed to any prior art that teaches or suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown. Specifically, the Examiner has not pointed to any prior art that teaches or suggests a reasonable expectation of success or motivation in combining the references.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection

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is apparently based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention.

Since there is no teaching, suggestion, or motivation in the cited references for the claimed combination recited in Claims 25 and 26, the Section 103 rejection of Claims 25 and 26 appear to be based on impermissible hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible.

Accordingly, for the reasons set forth above, Claims 25 and 26 are submitted to be patentable over Brunius in view of Heald et al. and further in view of Ulrich.

The rejection of Claims 28-30 under 35 U.S.C. § 103(a) as being unpatentable over Brunius in view of Heald as applied to Claim 21 above, and further in view of Addy (US Patent No.; 6,288,639B1) is respectfully traversed.

Brunius and Heald are described above. Addy describes a method for installing wireless security devices.

Claims 28-30 depend from Claim 21 which recites a “security system, comprising: a control panel to receive a sensor event from a security device, to translate the sensor event into a system condition, and to transmit a wireless signal to a phone-interface device, wherein the wireless signal encodes information regarding the system condition; and a phone-interface device comprising a receiver to receive the wireless signal from the control panel and a transmitter to transmit data via wireless communication about trouble conditions to said control panel receiver, wherein the phone-interface device is packaged separately from the control panel, wherein the phone-interface device receives direct electric current from an energy storage device.”

None of Brunius, Heald, nor Ulrich describe or suggest a security system including a phone-interface device comprising a receiver to receive the wireless signal from the control panel and a transmitter to transmit data via wireless communication about trouble conditions

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to said control panel receiver. Rather, Brunius, Heald and Ulrich are silent with regard to this aspect of the phone interface device.

As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. The required teaching, suggestion and incentive supporting the Examiner's combination is absent here. None of Brunius, Heald, nor Addy teach or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine Brunius with Heald and Addy because there is no motivation to combine these references suggested in the art. The Examiner has not pointed to any prior art that teaches or suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown. Specifically, the Examiner has not pointed to any prior art that teaches or suggests a reasonable expectation of success or motivation in combining the references.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection

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is apparently based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention.

Since there is no teaching, suggestion, or motivation in the cited references for the claimed combination recited in Claims 28-30, the Section 103 rejection of Claims 28-30 appear to be based on impermissible hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible.

Accordingly, for the reasons set forth above, Claims 28-30 are submitted to be patentable over Brunius in view of Heald, and further in view of Addy.

The rejection of Claims 11-12, 14, and 16-20 under 35 U.S.C. § 102(b) as being anticipated by Heald et al. (US Patent No. 5,553,138) is respectfully traversed.

Heald has been described above.

Claim 11 recites a "phone-interface device, comprising: a phone port to draw electrical energy from a phone line, wherein the phone port is part of a premise phone system, and wherein the electrical energy drawn from the phone line is within a current and voltage profile of the premise phone system; and a transmitter to transmit data via wireless communication about trouble conditions to a receiver at a control panel."

Heald et al do not describe a phone interface device comprising a transmitter to transmit data via wireless communication about trouble conditions to a receiver at a control panel. Rather, Heald et al describe a telephone modem for computer equipment and for a base station unit and Heald is silent with regard to a transmitter to transmit data via wireless communication about trouble conditions. Accordingly, Claim 11 is submitted to be patentable over Heald et al.

Claims 12, 14, and 16-20 depend from Claim 11. When the recitations of Claims 12, 14, and 16-20 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claims 12, 14, and 16-20 likewise are patentable over Heald et al.

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For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 11-12, 14, and 16-20 be withdrawn.

The rejection of Claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Heald et al. in view of Ulrich is respectfully traversed.

Heald and Ulrich are described above. Claim 13 depends from Claim 11 which recites a "phone-interface device, comprising: a phone port to draw electrical energy from a phone line, wherein the phone port is part of a premise phone system, and wherein the electrical energy drawn from the phone line is within a current and voltage profile of the premise phone system; and a transmitter to transmit data via wireless communication about trouble conditions to a receiver at a control panel."

Neither Heald et al nor Ulrich describe nor suggest a security system phone interface device. In addition, neither Heald nor Ulrich describe a phone interface device that includes a transmitter to transmit data via wireless communication about trouble conditions to a receiver at a control panel. Rather, Heald et al describe a telephone modem for computer equipment and for a base station unit, and Ulrich describes an apparatus for a pay telephone, key telephone, or modem.

In addition, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. The required teaching, suggestion and incentive supporting the Examiner's combination is absent here. Neither Heald et al nor Ulrich teach or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine Heald et al with Ulrich because there is no motivation to combine these references suggested in the art. The Examiner has not pointed to any prior art that teaches or suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte

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Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown. Specifically, the Examiner has not pointed to any prior art that teaches or suggests a reasonable expectation of success or motivation in combining the references.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is apparently based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention.

Since there is no teaching, suggestion, or motivation in the cited references for the claimed combination recited in Claim 13, the Section 103 rejection of Claim 13 appears to be based on impermissible hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible.

Accordingly, for the reasons set forth above, Claim 13 is submitted to be patentable over Heald et al. in view of Ulrich.

The rejection of Claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Heald et al. in view of MacTaggart (US Patent No. 5,446,784) is respectfully traversed.

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Heald is described above. MacTaggart describes an apparatus for coupling a telephone line to a telephone line subscriber device.

Claim 15 depends from Claim 11 which recites a "phone-interface device, comprising: a phone port to draw electrical energy from a phone line, wherein the phone port is part of a premise phone system, and wherein the electrical energy drawn from the phone line is within a current and voltage profile of the premise phone system; and a transmitter to transmit data via wireless communication about trouble conditions to a receiver at a control panel."

Neither Heald et al nor MacTaggart describe nor suggest a security system phone interface device. In addition, neither Heald nor MacTaggart describe a phone interface device that includes a transmitter to transmit data via wireless communication about trouble conditions to a receiver at a control panel. Rather, Heald et al describe a telephone modem for computer equipment and for a base station unit, and MacTaggart describes an apparatus for coupling a telephone line to a telephone line subscriber device.

In addition, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. The required teaching, suggestion and incentive supporting the Examiner's combination is absent here. Neither Heald et al nor MacTaggart teach or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine Heald et al with MacTaggart because there is no motivation to combine these references suggested in the art. The Examiner has not pointed to any prior art that teaches or suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art,

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and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown. Specifically, the Examiner has not pointed to any prior art that teaches or suggests a reasonable expectation of success or motivation in combining the references.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is apparently based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention.

Since there is no teaching, suggestion, or motivation in the cited references for the claimed combination recited in Claim 15, the Section 103 rejection of Claim 15 appears to be based on impermissible hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible.

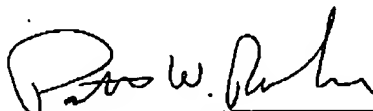
Accordingly, for the reasons set forth above, Claim 15 is submitted to be patentable over Heald et al. in view of MacTaggart.

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In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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